

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL ALLEN YOCOM,
Petitioner,
v.
KATHLEEN ALLISON,
Respondent.

Case No. 1:21-cv-00187-NONE-HBK

**ORDER STRIKING PETITIONER'S
UNAUTHORIZED PLEADING FROM THE
RECORD**

Petitioner Michael Allen Yocom, a state prisoner proceeding *pro se*, has pending a petition for writ of habeas corpus under 28 U.S.C. § 2254 in which he challenges his underlying conviction. (Doc. No. 1). Before the court is petitioner's uncaptioned "notice" to the court. (Doc. No. 32). To the extent discernable, petitioner requests that his underlying conviction be vacated, and he be released. (*Id.*). Petitioner requests this same relief in his habeas petition. The court strikes the notice as an authorized pleading.

I. BACKGROUND

Petitioner initiated this case by filing the instant petition on February 16, 2021. (Doc. No. 1). Petitioner's petition challenges petitioner's May 18, 2018 sentence and conviction entered by the Tulare County Superior Court in case no. PCF-340051. (*Id.*). On May 10, 2021, the court ordered respondents to respond to the petition. (Doc. No. 23). Respondent's response is not yet due.

1 **II. APPLICABLE LAW AND ANALYSIS**

2 The Rules Governing Section 2254 Cases in the United States District Courts provide for
3 the filing of a habeas petition (Rule 2), an answer, and a reply (Rule 5). Additional briefing may
4 be permitted upon a court order to expand the record (Rule 7). Here, petitioner has submitted a
5 pleading which repeats many of the arguments he has made in his petition. (*Compare* Doc. No. 1
6 *with* Doc. No. 32). The court has not ordered petitioner to submit any additional briefing. To the
7 extent petitioner wishes to reassert any facts in support of his petition, he may raise them in his
8 reply to respondent's response. Therefore, the court will order petitioner's unauthorized pleading
9 from the record. Petitioner is advised to refrain from submitting additional pleadings without
10 leave of court.

11 Accordingly, it is ORDERED:

- 12 1. Petitioner's unauthorized pleading (Doc. No. 32) is **STRICKEN** from the record.
13 2. The clerk of court is directed to **STRIKE** the **pleading** (Doc. No. 32) from the record.

14 IT IS SO ORDERED.

15 Dated: May 24, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE